

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, March 31, 1871.

Senate met pursuant to adjournment; Senator Fountain presiding *pro tem*.

Roll called; quorum present.

Absent—Senator Evans.

Absent—excused—President Campbell.

Prayer by the Chaplain.

On motion of Senator Gaines, the reading of the journal was dispensed with.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,
AUSTIN, March 31, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bills No. 132, "An act amendatory of an act, approved October 1, 1866, entitled 'an act granting to James L. Tanven the privilege of constructing a ferry across Big Cypress;'" also House bill No. 325, "An act to authorize M. A. Tucker to erect a toll bridge over Big creek, near the Limestone and Falls county line;" also House bill No. 326, "An act to authorize M. A. Tucker to erect a toll bridge over Christmas creek, in Limestone county, Texas;" also House bill No. 392, "An act granting to B. F. Colbert the privilege of constructing a ferry across Red River," have carefully examined the same, and beg leave to report the same back to your honorable body and recommend that they, each and severally, do pass.

JOHN G. BELL,
Chairman.

Read and laid over under the rules.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, March 31, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bills No. 190, "An act to incorporate the town of

Longview, in Upshur county, Texas ;" No. 196, "An act to incorporate the city of Hearne ;" No. 256, "An act to incorporate the Board of Fund Commissioners of Trinity Conference M. E. Church, South ;" No. 272, "An act to organize and incorporate the Sherman and Red River Railroad Company ;" No. 276, "An act to provide for the establishment of the Agricultural and Mechanical College of Texas ;" and substitute Senate bill No. 89, "An act incorporating the West Texas Road Steamer Transportation Company," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received.

The Secretary carried to the House for concurrence Senate bills Nos. 190, 196, 256, 272 and substitute Senate bill No. 89.

Also, Senate joint resolution No. 5, "Proposing amendments to section two, section three and section four, of article five, of the Constitution of the State of Texas."

Reports of Committee on Finance :

COMMITTEE ROOM,
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Finance, to whom was referred House bill No. 78, entitled "An act making an appropriation for repairing the State Cemetery," have duly considered the same and would respectfully recommend that it do pass.

W. A. SAYLOR,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Finance, to whom was referred Senate joint resolution No. 21, "Authorizing the Governor to dispatch the Secretary of State, James P. Newcomb, to the North on business in connection with the frontier defense bonds, and agricultural land scrip and making appropriation therefor, and authorizing the Governor to have the plates of the frontier defense bonds cancelled if not delivered up by the National Bank Note Company," instruct me to report the same back and recommend its adoption.

Respectfully,

W. A. SAYLOR,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Finance to whom was referred House bill No. 198, entitled "An act appropriating money for furnishing the Comptroller's Building," have had the same under consideration and would respectfully recommend that it pass.

W. A. SAYLOR,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Finance, to whom was referred Senate bill No. 240, entitled "An act for the relief of R. S. Braine," ask leave to report the same back and recommend its passage.

W. A. SAYLOR,
Chairman.

Reports read and laid over under the rules.

Report of Committee on Finance on Senate bill No 231, a bill to be entitled "An act to authorize the purchase of 20,000 copies of a pamphlet by J. M. Morphis:"

COMMITTEE ROOM,
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate.

SIR: Your Committee on Finance, to whom was referred Senate bill No. 231, entitled "An act to authorize the purchase of 20,000 copies of a pamphlet by J. M. Morphis," ask leave to report the same back and recommend its reference to your Committee on Immigration.

W. A. SAYLOR,
Chairman.

On motion of Senator Pickett, the rules were suspended to consider the report.

The report of the committee was adopted, and on motion of Senator Saylor, Senate bill No. 231 was referred to the Committee on Immigration.

Report of Committee on Finance on House bill No. 112, "An act making an appropriation to complete and furnish the Supreme Court building, at Austin, Texas:"

COMMITTEE ROOM,
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No 112, entitled "An act making an appropriation to complete and furnish the Supreme Court building, at Austin, Texas," have duly considered the same, and return it to the Senate with the recommendation that it do pass.

Very respectfully,

W. A. SAYLOR,
Chairman.

On motion of Senator Baker, the rules were suspended to consider the report.

The report was adopted, and on motion of Senator Baker the rules were further suspended and House bill No. 112 read second time.

On motion of Senator Baker, the rules were further suspended and House bill No. 112 read third time.

Senator Bell moved to amend by striking out \$15,000 and inserting \$10,000. Adopted.

Senator Dohoney moved to amend by striking out \$10,000 and inserting \$5000.

Senator Douglass moved to refer House bill No. 112 to a select committee.

10:30 o'clock, A. M.

Special order, Senate bill No. 94, "An act to give effect to the several provisions of the Constitution concerning taxes."

Senator Bell moved to postpone the special order until the matter under consideration be disposed of. Carried.

Senator Pickett moved that House bill No. 112 be referred to the Committee on Public Buildings.

Yeas and nays called for and motion lost by the following vote:

Yeas—Baker, Bowers, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pickett, Ruby, Saylor, Tendick—13.

Nays—Bell, Broughton, Cole, Dillard, Dohoney, Douglass, Flanagan, Hertzberg, Hillebrand, Latimer, Pyle, Rawson, Shannon—13.

The question recurring upon the motion to refer House bill No. 112 to a select committee, the yeas and nays were called for and carried by the following vote:

Yeas—Bell, Bowers, Broughton, Cole, Dillard, Dohoney, Douglass, Flanagan, Hall, Hertzberg, Hillebrand, Latimer, Mills, Pickett, Pyle, Rawson, Shannon, Tendick—18.

Nays—Baker, Ford, Fountain, Gaines, Parsons, Pettit, Ruby, Saylor—8.

The Chair appointed on said committee Senators Douglass, Saylor and Ruby.

On motion of Senator Gaines the postponed special order, Senate bill No. 94, was further postponed to 11 o'clock A. M.

Reports of Committee on Internal Improvements:

COMMITTEE ROOM.

AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 297, to be entitled "An act to amend sections two and twelve of an act entitled 'an act to incorporate the Hempstead Eastern and Western Trunk Railway Company of Texas,'" have had the same before them, and after careful examination respectfully recommend that it do pass.

WEBSTER FLANAGAN,

Chairman.

COMMITTEE ROOM,

AUSTIN, March 30, 1871..

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 302, to be entitled "An act to incorporate the Upper Sabine Navigation Company," have duly considered the same, and respectfully recommend that it do pass.

WEBSTER FLANAGAN,

Chairman.

Reports read and laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Pickett: a bill (Senate bill No. 303) to be entitled "An act providing for the transfer of certain causes pending in the District Court of Polk county from the county of Polk to the county of San Jacinto." Read first time.

On motion of Senator Pickett, the rules were suspended and Senate bill No. 303 read second time, ordered to be engrossed and passed to a third reading.

On motion of Senator Pettit, the rules were further suspended and Senate bill No. 303 read third time and passed.

By Senator Baker: a bill (Senate bill No. 304) to be entitled "An act authorizing T. M. Harwood and C. C. De Witt, of Gonzales county, to construct a bridge across the Guadalupe river, near the town of Gonzales, in Gonzales county." Read first time.

On motion of Senator Bell, the rules were suspended and Senate bill No. 304 read second time, ordered engrossed and passed to a third reading.

On motion of Senator Bell, the rules were further suspended and Senate bill No. 304 read third time and passed.

By Senator Baker: a bill (Senate bill No. 305) to be entitled "An act to incorporate the Texas Immigration Company." Read first time and referred to the Committee on Immigration.

By Senator Dohoney: a bill (Senate bill No. 306) to be entitled "An act to amend sections second and third of an act approved January 6, 1841." Read first time and referred to Committee on Judiciary.

The following House bills were taken from file, read first time, and referred as follows:

House bill No. 215, "An act to provide for the payment of the public debt of the State of Texas." Referred to Committee on Finance.

House bill No. 262, "An act to incorporate the San Antonio River Valley Irrigation Company." Referred to the Committee on State Affairs.

House bill No. 265, "An act to amend 'an act defining lawful enclosures, and for other purposes,' passed February 5, 1840." Referred to the Committee on Judiciary.

House bill No. 297, "An act to enable the settler to hold a homestead in different tracts." Referred to Judiciary Committee

House bill No. 330, "An act to incorporate the Austin Gaslight and Coke Company." Referred to Committee on State Affairs.

House bill No. 432, "An act to amend sections one and four of 'an act to define, establish and mark the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces,' passed July 26, 1870." Referred to Committee on Counties and County Boundaries.

Senator Bowers rose to a question of privilege, and called up the following resolution offered yesterday by Senator Pickett:

Resolved, That a call of the Senate shall not be suspended so long as the number of Senators required to demand the call, vote against the suspension.

Senator Ruby moved a call of the Senate. Call sustained.

Absent—Senators Broughton, Evans, Parsons, Pridgen.

Absent—excused—President Campbell.

On motion of Senator Shannon, Senator Evans was excused.

On motion of Senator Ruby the call was suspended.

Report of Committee on Enrolled Bills:

COMMITTEE ROOM,
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 277, to be entitled "An act for the relief of John G. Boyle," and to-day at 12 o'clock M., presented the same to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Report read and received.

11 o'CLOCK A. M.

The hour having arrived for the consideration of postponed special order Senate bill No. 94, on motion, the following House amendment was concurred in :

Section nineteen, line eight, strike out the word "roll."

Senator Bowers moved a reconsideration of the vote of yesterday by which the Senate concurred in House amendment to section seven, line five.

Yeas and nays called for, and motion to reconsider carried by the following vote :

Yeas—Baker, Bell, Bowers, Dohoney, Flanagan, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Pickett, Pyle, Rawson—14.

Nays—Douglass, Ford, Latimer, Mills, Pettit, Pridgen, Ruby, Saylor, Shannon, Tendick—10.

Senator Flanagan moved that the Senate refuse to concur in the following House amendment: Amend section seven, line five, strike out word "net" and insert "gross." Carried.

Message from the House by the Chief Clerk, informing the Senate that the Speaker had signed, in open session, enrolled House bill No. 41, "An act to repeal an act entitled 'an act to prevent the sale of vinous, spirituous or other intoxicating liquor within one mile of the centre of the town of Alto, in Cherokee County, in the State of Texas,' approved December 11, 1861.

Also, enrolled House bill No. 27, "An act for the relief of Judge M. B. Walker, of the Supreme Court."

Also, that the House had passed Senate bill No. 224, "An act to incorporate the Henderson Male and Female College, in Rusk county."

Enrolled House bills signed by the President and returned to the House.

Under direction of the President, the Secretary carried to the House enrolled Senate bill No. 110, "An act to incorporate the Rusk and Harrison County Railway Company."

Signed by the Speaker, returned to the Senate and signed by the President.

The question recurring on House amendments to Senate bill No. 94, on motion, the Senate concurred in the following House amendments to Senate bill No. 94: Section twenty-one, at the the end of line thirteen, add the following: "and return the same to the Comptroller of Public Accounts."

Section twenty-three, line five, insert before the word "first" the word "thirty;" line five, strike out figures "1861" and insert figures "1860;" add to section the following: "*provided, however,* that nothing in this act shall be considered as in any way validating sales for taxes during any of the time between said thirty-first day of December, 1860, and first day of January, 1866."

Senator Bell moved a call of the Senate. Call sustained.

Absent—Senators Broughton, Pridgen, Pyle and Ruby.

Absent—excused—President Campbell, Senator Evans.

On motion of Senator Douglass the call was suspended.

Senator Bowers moved that the Senate concur in the following House amendment to Senate bill No. 94: Section twenty-four, line two, after word "taxes" insert words "State and county."

Yeas and nays called for and motion lost, by the following vote:

Yeas—Baker, Dillard, Ford, Fountain, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Shannon, Tendick—11.

Nays—Bell, Bowers, Cole, Dohoney, Douglass, Flanagan, Gaines, Hall, Latimer, Pickett, Rawson, Saylor—12.

Senator Dohoney moved that the House amendments to lines six and seven, section twenty-four, be acted on together. Carried.

Message from the Governor, by his private secretary, as follows:

GOVERNOR'S OFFICE,
Austin, March 31, 1871.

Hon. A. J. FOUNTAIN,

President for the time being of the Senate:

SIR: I respectfully return, for reconsideration, to the Senate, where it originated, the act entitled "An act to amend the first section of an act supplemental to an act entitled 'an act defining the office and duties of notaries public,' passed May 13, 1846, approved March 5, 1863."

My objections to this act are, first, that it attempts to repeal an act passed on fifth March, 1863, by the so-called Legislature in session at that time; but all acts of the so-called Legislatures during the rebellion ceased to have any force after the re-establishment of the lawful authority of the Union, and consequently no repeal is required. The Constitution (section thirty-three of article twelve,

general provisions) declares that "the Legislatures which sat in the State of Texas from the eighteenth day of March, 1861, until the sixth day of August, A. D. 1866, had no constitutional authority to make laws binding upon the people of the State of Texas." The act in question was in fact passed to place the notaries public of the revolutionary State government in accord with the government of the so-called Confederate States, and having been enacted during that time, is no longer "binding," and cannot be respected or enforced unless by affirmative authority of the legitimate Legislature of the State. Of course, if any rights have arisen under this act because of official proceedings of notaries appointed thereunder, such official proceedings are to be respected by the courts.

The act of thirteenth of May, 1846, the first section of which was attempted to be substituted by the act passed during the rebellion must properly be regarded as still in force, and it is under said act of May 13, 1846, that I have made nominations to the Senate of notaries public.

A second objection to the act returned to your house is the limitation therein of notarial appointments to the five justices of the peace in each organized county. This arrangement would prove exceedingly inconvenient for the people of nearly every county of the State. An instance is presented here at the capital, where there is but one justice of the peace for the large population and territory of the city of Austin and the justice's precinct in which it is situated. One notary cannot properly attend to all business here requiring the services of such an officer, and in case of a vacancy in the office of that justice the business of the community might be seriously embarrassed.

The provision in this act for the appointment of notaries in the unorganized territory of the State is a good one, and I regret that it is coupled with other features which compel me to return the act.

I trust that should the Legislature conclude to reconsider their proceedings in this regard, they may embrace the provision for appointment of notaries in unorganized counties in a separate act.

Very respectfully,

EDMUND J. DAVIS,

Governor.

Message received and, on motion of Senator Bowers, was referred to a select committee of three.

The President appointed as such committee, Senators Bowers, Parsons, Ruby and Pickett.

On motion, the Senate refused to concur in the following House amendments to Senate bill No. 94:

Section twenty-four, line six, after word "State" insert words

"and county;" line seven, after word "fourth," insert words "of the State tax;" and, on further motion, the following amendments were concurred in: line forty-two, insert after the word "tax" the following: "for the year in which taxes are paid;" lines forty-six, forty-seven and forty-eight, strike out words "the amount necessary to obtain a full acquittance and discharge as to said property;" line forty-six, insert after word "on," the words "that amount;" line forty-eight, insert before "an," the word "and;" line forty-nine, insert before word "levied," the words "shall be," and strike out word "being;" insert after section twenty-four, the following, to be numbered section twenty-five:

"DISPOSITION OF COUNTY TAXES.

"SEC. 25. All county taxes collected in any county for property situate in other counties shall be paid, by the offices collecting, into the Treasury of the State. The Treasurer shall place the amounts received to the credit of the respective county in favor of which the tax was collected; any organized county may, upon the order of the county court and receipt of the county treasurer, draw from the Treasury annually the amount of tax standing there to its credit."

Section twenty-five, amend number of section so as to read "twenty-six."

Section twenty-six, amend number of section so as to read "twenty-seven."

The Senate refused to concur in the following amendment:

Section 27, strike out all of section twenty-seven and insert the following as a substitute therefor:

"BONDS OF OFFICERS.

"SEC. 27. Every justice of the peace and sheriff shall, within thirty days after they shall have received notice of their election or appointment, and before entering upon the duties of their respective office as assessor and collector of taxes, give a bond in such form as the Comptroller shall prescribe, payable to the State of Texas, in a sum at least equal to the amount of the tax assessed the previous year for their respective precincts and counties, with three or more good and sufficient sureties, to be approved by the judge of the judicial district in which said county may be situated, and shall take and subscribe the oath prescribed by the Constitution, which, together with said bond, shall be recorded in the office of the district clerk of the county, and be forwarded by said clerk to the Comptroller to be deposited in his office; said bond shall be conditioned that the justice or sheriff shall faithfully discharge all the duties required of him as assessor or collector of taxes, as the case may be, for and during the full term for which he was elected or appointed,

and said bond shall not become void on the first recovery, but suit may be maintained thereon until the whole amount thereof be recovered.

"Any justice or sheriff may be required to give a new bond or additional or other securities whenever, in the opinion of the Comptroller, it may be advisable; and when so required to give a new bond or additional securities, the justice or sheriff shall suspend the duties of his office until said new bond or additional securities are given, and on failure to give the same within thirty days from notice, he shall be dismissed from office.

"Whenever the justices of a county shall all agree to, and appoint a common deputy to assess for the entire county, or when the sheriff appoints a deputy to collect from the entire county, such deputy shall take and subscribe the oath and give bond as required above in the case of sheriffs.

"In addition to the bond above specified, the sheriff shall also execute a bond, payable to the county court, naming the members thereof, and their successors in office, in a sum at least equal to the probable amount of the county tax of the county, with two or more good and sufficient sureties, to be approved by said county court; and no person shall be received as a surety for an amount greater than the value of his property, after deducting all exemptions and legal liabilities, which amount shall be stated under oath; said bond shall be deposited in the office of the clerk of the district court, and by him duly recorded. Said bond shall be conditioned that the sheriff shall faithfully discharge all the duties required of him by law as collector of taxes, and shall make settlement with the treasurer of the county for all moneys that may come into his hands belonging to the county, at least every two months, or oftener, if so ordered by the county court. Said bond shall also extend to the faithful performance of his duties for the full term for which he was elected or appointed, and shall not be void upon the first recovery; *provided*, the court may, in its discretion, require a new bond at any time; *and further provided*, that nothing herein shall be so construed as to prohibit the sheriff from collecting the county tax by a qualified deputy."

She Senate concurred in the following amendment:

Insert after section 27, to be numbered section 28, the following as a new section:

"HOW TAXES COLLECTED SHALL BE ACCOUNTED FOR AND DISPOSED OF.

"SEC. 28. The sheriff shall report to the Comptroller of Public Accounts, on the first day of August, the amount collected by him for State taxes, and for county taxes, of property in counties other than his own; and he shall, in like manner, report taxes collected

every sixty days thereafter. He shall, at all times, pay drafts drawn on him by the Comptroller, or remit by draft or post office money order the funds in his hands as rapidly as collected, when required so to do by the Comptroller, and he shall make final settlement on or before the thirty-first day of December in each and every year thereof. It is also made the duty of the sheriff to obey all orders of the county court in the matter of taxes collected by him on property situated in his county, and he shall pay over to the county treasurer, on the order of said courts, as often as ordered so to do, all moneys or county liabilities received by him, in the proportion that he received the same from the taxpayer; and when not otherwise ordered he shall pay over to the county treasurer all funds or county liabilities received by him every two months from and after the first day of April, 1871."

Message from the House, by the Chief Clerk, informing the Senate that the House had passed Senate bill No. 279, "An act to incorporate the Belton Bridge Company."

Also, enrolled House bill No. 465, "An act for the relief of G. F. B. Vega."

Enrolled House bill No. 465 signed by the President and returned to the House.

Senator Flanagan rose to a question of privilege and submitted the following report of the Committee of Conference on Senate bill No. 7:

COMMITTEE ROOM,
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your committee appointed to confer with a like committee from the House to take into consideration amendments proposed by the House to Senate bill No. 7, "An act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement," have had the same under consideration and have agreed to recommend that the Senate recede from its disagreement and concur in the House amendment which reads as follows: *provided*, that no bonds shall be issued or donation made under the provisions of this act except for such portion of the work, in aid of which it is proposed to issue bonds or make a donation, as shall have been completed at the time when the bonds are issued or donation made.

You rcommittee have agreed to recommend that the Senate do not concur, but that the House recede from the amendment, section seventeen, which reads:

A failure to comply with any of the provisions of this act or a pre-

liminary to the issue of bonds, shall be taken notice of by purchasers thereof, and shall render such bonds and any coupons attached thereto null and void.

WEBSTER FLANAGAN,
Chairman Senate Committee.
B. RUSH PLUMLEY,
Chairman House Committee.

On motion of Senator Ruby the report was adopted and amendments recommended by conference committee concurred in.

The following amendments to Senate bill No. 94 were concurred in by the Senate :

Section 27, amend number of section so as to read ' 29.'

Section 28, amend number of section so as to read ' 30.'

The Senate refused to concur in the following amendments :

Section 30, line 2, insert at end of line, after word ' a,' the word ' common.'

Section 30, line 14, insert after word ' county ' the words ' one-third of.'

The following amendments were concurred in :

Section 29, amend number of section so as to read ' 31 ;' line 13, insert before word ' shall ' the word ' he ;' line 15, insert after ' the ' the words ' instruction and ;' line 16, strike out words ' shall be ;' line 16, after word ' obeyed,' insert the following : ' by all officers intrusted with the execution of this act.' •

Section 30, amend number of section so as to read ' 32.'

Section 31, amend number of section so as to read ' 33.'

The Senate refused to concur in the following amendment :

Section 31, line 5, strike out after the word ' and ' all down to word ' shall,' in line 13.

Amend section 20, strike out all after words ' the sheriff or his deputy,' in line one, down to and including the words ' shall be a sufficient demand,' in line 12.

Amend section 3, by striking out all after the words ' as may be by law directed.'

Amend section 24, by striking out all after the words ' prior to the date thereof,' in line 20, down to and including the words ' of the lien hereby created,' in line 35.

Amend section 20, by striking out the words ' at the county site,' and inserting in lieu thereof the words ' at least two places in each precinct of his county.'

Message from the House by a committee, consisting of Messrs. Lane, Schutz and R. Allen, with the following communication :

Mr. President : We are commanded in the name of the House of Representatives and of all the people of the State of Texas, to im-

peach William H. Russell, Judge of the Fifteenth Judicial District, of high crimes, misdemeanors and incompetency, and to acquaint the Senate that the House of Representatives will, in due time, exhibit particular articles of impeachment against him, and make good the same, and we do demand that the Senate take order for the appearance of the said William H. Russell to answer to said impeachment.

The President acknowledged the reception of the communication and informed the committee that the Senate will take proper order therein, of which due notice shall be given to the House of Representatives.

The Senate concurred in the following House amendments:

Amend section 6, inserting after words 'eating house or boarding house, fifteen dollars,' in lines 63 and 64, the following: '*provided*, that no house be considered a boarding house unless there are kept as many as four regular boarders at one time exclusive of all school children; *and provided further*, that no house shall be considered a boarding house whose annual income is less than three hundred dollars.'

Amend section 6, line 115, by inserting after the word 'dollars,' 'said tax to be paid by the company to the Comptroller of State' whose receipt, under seal, shall be issued to the company—certified copies of which, when furnished to agents, shall be authority to work in any county in the State.'

Amend section 6, line 81, after the word 'dollars,' insert 'and from every fourth class retail merchant an annual tax of ten dollars.'

Amend section 6, line 94, by inserting after the word 'dollars,' 'and all retail merchants not of the first, second or third class shall be considered of the fourth class.'

Amend section 12, by inserting after the word 'peace,' in line 14, before the word 'failing,' the words 'or his deputy.'

Amend section 12, by inserting after the words 'is authorized to inquire,' the word 'into.'

Amend section 15, line 38, by striking out the words 'first paying,' and inserting in lieu thereof the words 'he or she shall first pay.'

By leave, Senator Ruby introduced a bill, Senate bill No. 307, to be entitled "An act to repeal section twenty-nine of 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870." Read first time and referred to Committee on Judiciary.

Senator Pridgen presented the following report of Committee on Enrolled Bills:

COMMITTEE ROOM,
AUSTIN, March 31, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled and signed Senate bill No. 110, entitled "An act to incorporate the Rusk and Harrison County Railway Company," and to-day, at one o'clock P. M., presented the same to the Governor for his approval.

B. J. PRIDGEN.

Report read and received.

On motion of Senator Ruby, the Senate adjourned to 3 o'clock P. M.

AFTERNOON SESSION.

3 o'CLOCK, P. M.

Senate met pursuant to adjournment; Senator Fountain presiding *pro tem*.

Roll called; quorum present.

Absent—Senators Flanagan, Mills and Shannon.

Absent excused---President Campbell and Senator Evans.

On motion of Senator Pettit, the rules were suspended to take from file Senate bill No. 30, "An act to incorporate the city of Rockport." Read second time.

On motion of Senator Pyle, the rules were further suspended, and Senate bill No. 30 read third time and passed.

On motion of Senator Parsons, James Green, porter, was granted leave of absence.

On motion of Senator Pickett, the rules were suspended to take from file Senate bill No. 195, a bill to be entitled "An act to incorporate the Hempstead and West Liberty Air Line Railway Company." Read second time, ordered to be engrossed and passed to a third reading.

On motion of Senator Flanagan, the rules were further suspended, Senate bill No. 195 read third time and passed.

On motion of Senator Pridgen, the rules were suspended to take from file Senate bill No. 90, "An act to incorporate the Encinal Stock Raising, Trading and Transportation Company." Read second time.

On motion of Senator Pridgen, the report of the Committee on State Affairs, with the following amendments, was adopted :

Amend section one, line nineteen, strike out all of said section after the word "acts," and insert "not inconsistent with the laws of this State or the United States."

Section eight, line six, strike out the words "party interested," and insert the words "person or persons."

Amend section eleven, line five, strike out all of said section after the word "necessary."

Strike out section twelve.

Section fifteen, line one, after the word "the," insert "right;" line four, strike out the word "company," and insert "stockholders."

Senator Pridgen offered the following amendment, which was adopted :

Amend section eleven, by adding, after the word "necessary," sixth line, in place of the matter struck out by the committee, the following, to-wit : " And they may construct, own, control and operate upon the flats and shores of any of the lands acquired and owned by the company, any work, establishment or improvement necessary to carry out the objects of the company ; *provided*, the same does not interfere with the interests of navigation."

Senate bill No. 90 was ordered to be engrossed and passed to a third reading.

Senator Pridgen moved to refer Senate bill No. 90 to a special committee.

Senator Bowers moved to refer Senate bill No. 90 to the Judiciary Committee. Carried.

By leave, Senator Hall submitted the following report, from the Committee on Counties and County Boundaries :

COMMITTEE ROOM,
AUSTIN, March 31, 1871.

Hon. A. J. FOUNTAIN,

President of the Senate :

SIR : Your Committee on Counties and County Boundaries to whom was referred Senate bill No. 287, an act entitled "An act to provide for the permanent location of the county seat of Grimes county," have had the same under careful consideration, and have instructed me to report it back to the Senate and recommend its passage with the following amendments: Strike out the caption of the bill and insert "An act to remove the county seat of Grimes county from Anderson to Navasota; also, strike out all after the word "town," in line seven, section four, and insert "Navasota to be the permanent county seat; *provided*, the said town of Navasota

shall have received a majority of two-thirds of the votes cast in an election of the qualified voters of said county.

P. W. HALL,
Chairman.

Report read and laid over under the rules.

On motion of Senator Pyle, the rules were suspended to take from file House bill No. 74, "An act to incorporate the Richland Bridge Company." Read second time.

On motion of Senator Pyle, the rules were further suspended, and House bill No. 74 read third time and passed.

On motion of Senator Rawson, the rules were suspended to take from file House bill No. 3, "An act to incorporate the Alamo Literary Society of the city of San Antonio." Read second time.

On motion of Senator Pettit, the rules were further suspended, and House bill No. 3 read third time and passed.

On motion of Senator Ruby, the rules were suspended to take from file House bill No. 89, "An act to incorporate the Galveston Seamen's Home." Read second time.

On motion of Senator Ruby, the rules were further suspended and House bill No. 89 read third time and passed.

On motion of Senator Saylor, the rules were suspended to take from file Senate bill No. 251, a bill to be entitled "An act to incorporate the Bryan Male and Female Seminary." Read second time.

On motion of Senator Saylor, the rules were suspended and Senate bill No. 251 ordered to be engrossed and passed to a third reading.

On motion of Senator Saylor, the rules were further suspended and Senate bill No. 251 read third time and passed.

By leave, Senator Ford submitted the following report from the Committee on State Affairs on House bill No. 400, with amendments :

COMMITTEE ROOM,
AUSTIN, March 31, 1871.

Hon. A. J. FOUNTAIN,

President of the Senate, *pro tem.* :

SIR: Your Committee to whom was referred House bill No. 400, entitled "An act to incorporate the town of Burnet, in Burnet county, have carefully considered the same, and respectfully report it back, with the following amendment, and recommend that it do pass :

Amend section six, line three ; insert after the word "transaction" the following words, to-wit : "of business."

S. W. FORD,
Chairman.

On motion of Senator Shannon, the rules were suspended to consider the report of the committee, and House bill No. 400. House bill No. 400 read second time.

On motion of Senator Shannon, the amendment recommended by the committee was adopted.

On motion of Senator Shannon, the rules were further suspended, and House bill No. 400 read third time and passed.

On motion of Senator Tendick, the rules were suspended to take from file Senate bill No. 284, a bill to be entitled "An act to incorporate Columbus Lodge No. 51, I. O. O. F." Read second time, ordered to be engrossed and passed to a third reading.

On motion of Senator Tendick, the rules were further suspended, and Senate bill No. 284 read third time and passed.

By leave, Senator Ford submitted the following report from Committee on State Affairs :

COMMITTEE ROOM,
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 114, entitled "An act to incorporate the Jefferson City Street Railway Company," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

Read and laid over under the rules.

On motion of Senator Flanagan, the rules were suspended to consider House bill No. 114, "An act to incorporate the Jefferson City Street Railway Company."

House bill No. 114 read second time.

On motion of Senator Flanagan, the rules were further suspended and House bill No. 114 read third time and passed.

On motion of Senator Baker, the rules were suspended to take from file House bill No. 56, "An act for the relief of Henry Kountz." Read second time.

On motion of Senator Pridgen, the rules were further suspended and House bill No. 56 read third time and passed by the following vote :

Yeas—Baker, Bell, Broughton, Cole, Dillard, Dohoney, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—21.

Nays—Douglass. Latimer—2.

On motion of Senator Bell, the rules were suspended to take

from file Senate bill No. 297, a bill to be entitled "An act to amend sections two and twelve of an act entitled 'an act to incorporate the Hempstead Eastern and Western Trunk Railway Company, of Texas.'" Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Flanagan, the rules were further suspended, and Senate bill No. 297 read third time.

Senator Pickett offered the following amendment:

Section one, line seventeen, after the word "line" insert the words "south of Logansport."

On motion of Senator Flanagan, the amendment was adopted.

On motion of Senator Flanagan, Senate bill No. 297 passed.

Senator Ruby moved that the vote by which House bill No. 89, "An act to incorporate the Galveston Seamen's Home," was passed, be reconsidered. Carried.

On motion of Senator Ruby, the following amendments, recommended by the Committee on State Affairs, were adopted:

Amend section four, lines thirteen and fourteen, by striking out all after the word "by-laws."

On motion of Senator Ruby, House bill No. 89 passed.

On motion of Senator Bowers, the rules were suspended to take from file Senate bill No. 287, a bill to be entitled "An act to provide for the permanent location of the county seat of Grimes county." Read second time.

On motion of Senator Bowers, the amendments reported by the Committee on Counties and County Boundaries were adopted, and Senate bill No. 287 ordered to be engrossed.

On motion of Senator Bowers, the rules were further suspended and Senate bill No. 287 read third time and passed.

Senator Flanagan moved to reconsider the vote by which House bill No. 3, "An act to incorporate the Alamo Literary Society of the city of San Antonio," was passed. Carried.

On motion of Senator Flanagan, the following amendment recommended by the Committee on State Affairs was adopted: Amend by striking out "section three."

On motion of Senator Mills, House bill No. 3 passed as amended.

By leave, Senator Ford submitted the following report of the Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, March 30, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 163, to be entitled "An act to incorporate Austin

Hook and Ladder Company No. 1 of the city of Austin," after careful consideration, instruct me to report the same back and recommend its passage with the accompanying amendments.

Respectfully,

S. W. FORD,

Chairman.

Amend section one, lines eight and nine, by striking out the word "perpetual;" amend section five, line one, two and three, by striking out the words "that any and all property of the company shall be exempt from taxation for State or county purposes."

On motion of Senator Broughton, the rules were suspended to take from file House bill No. 163, "An act to incorporate Austin Hook and Ladder Company No. 1, of the city of Austin." Read second time.

The following amendment, reported by the Committee on State Affairs, was adopted: Amend section one, lines eight and nine, by striking out the word "perpetual."

The following amendment, reported by the Committee on State Affairs, was rejected: Amend section five lines one, two and three by striking out the words "that any and all property of the company shall be exempt from taxation for State or county purposes."

On motion of Senator Pyle, the rules were further suspended and House bill No. 163 read third time and passed by the following vote:

Yeas—Bowers, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—24.

Nays—Bell, Flanagan—2.

On motion of Senator Cole, the rules were suspended to take from file House bill No. 267, "An act in relation to the Atlantic and Pacific Railroad Company." Read second time.

On motion of Senator Flanagan, the following amendments, reported by the Committee on Internal Improvements, were adopted:

Amend section one, line seven, after word "Pacific," by inserting "coast;" in same section, amend by striking out all after the word "stations."

Senator Saylor moved that the further consideration of House bill No. 267 be postponed. Carried. And on motion of Senator Saylor, House bill No. 267 was made the special order for Wednesday next, at 12 o'clock M.

On motion of Senator Dillard, the rules were suspended to take from file House bill No. 19, "An act to incorporate the Indianola Dredging Company as herein specified." Read second time.

On motion of Senator Pridgen, the rules were further suspended and House bill No. 19 read third time.

On motion of Senator Dohoney, House bill No. 19 was referred to the Judiciary Committee.

On motion of Senator Dohoney, the rules were suspended to take from file Senate bill No. 240, to be entitled "An act for the relief of R. S. Brame." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Saylor, the rules were further suspended, Senate bill No. 240 read third time, and passed by the following vote :

Yeas—Bell, Bowers, Cole, Dillard, Dohoney, Douglass, Flanagan, Ford, Fountain, Gaines, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pickett, Pridgen, Rawson, Ruby, Saylor, Shannon, Tendick—22.

Nays—None.

On Motion of Senator Parsons, Senator Saylor was granted an indefinite leave of absence.

Senator Parsons moved that the Senate adjourn to ten o'clock A. M., on Monday, for the purpose of enabling the several Senate committees to meet. Yeas and nays called for and lost by the following vote :

Yeas—Bell, Bowers, Cole, Dillard, Flanagan, Gaines, Parsons, Pickett, Rawson, Saylor—10.

Nays—Dohoney, Douglass, Ford, Fountain, Hertzberg, Hillebrand, Mills, Pettit, Pridgen, Ruby, Shannon, Tendick—12.

Senator Ruby moved that the Senate stand adjourned until 10 o'clock A. M. to-morrow.

Yeas and nays called for and carried by the following vote :

Yeas—Dohoney, Ford, Hall, Hertzberg, Hillebrand, Mills, Pettit, Pickett, Pridgen, Ruby, Shannon, Tendick—12.

Nays—Bell, Bowers, Cole, Dillard, Douglass, Flanagan, Fountain, Gaines, Parsons, Rawson, Saylor—11.

So the Senate adjourned to 10 o'clock A. M. to-morrow.
